

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

600 F D.C., LLC
t/a Fuel Pizza & Wings

Holder of a
Retailer's Class CR License

at premises
600 F Street, N.W.
Washington, D.C. 20007

Case Nos.: 15-AUD-00054
15-CMP-00341
15-CC-00089
15-CMP-00766
15-CMP-00765

License No.: ABRA-088727
Order No.: 2016-106

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ALSO PRESENT: 600 F D.C. LLC, t/a Fuel Pizza & Wings

Walter Adams II, Assistant Attorney General, on behalf of the
District of Columbia

Rema Wahabzadah, on behalf of the Respondent

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE¹

ABRA Case Nos. 15-AUD-00054 and 15-CMP-00341 arise from the Notices of Status and Show Cause Hearing (Notices) issued by the Alcoholic Beverage Control Board (Board) in the matter of 600 F D.C., LLC, t/a Fuel Pizza & Wings (Respondent) located at 600 F Street, N.W., Washington, D.C. 20007.

In Case No. 15-AUD-00054, the Board issued a Notice due to the Respondent's failure to file its quarterly statement for the 4th Quarter by February 1, 2015. *ABRA Show Cause File No. 15-AUD-00054; Notice of Status and Show Cause Hearings [Notice]* at 2. Further, in Case No. 15-CMP-00341, the Board issued a Notice stemming from a violation observed by an ABRA Investigator on May 14, 2015. On May 14, 2015, an ABRA Investigator visited the licensed establishment to conduct a Regulatory Inspection. *Show Cause File No. 15-CMP-00341; Notice* at 3. When the Investigator asked an employee for the ABC Manager or owner, he was told that neither was present. *Id.*; *Notice* at 3. During his visit, the Investigator observed patrons consuming alcoholic beverages. *Id.*; *Notice* at 3.

In addition to Case Nos. 15-AUD-00054 and 15-CMP-00341, The Board issued a Notice in Case No. 15-CC-00089, charging the Respondent with the following violations:

Charge I: [On Saturday, August 8, 2015], [y]ou or some other person at the licensed establishment gave, served, delivered, or in any other manner dispensed alcoholic beverages to persons under 21 years of age, in violation of D.C. Official Code § 25-781(c) . . .

Charge II: [On Saturday, August 8, 2015], you failed to have an owner or Board-approved manager on site during the sale, service, or consumption of alcoholic beverages, in violation of D.C. Official Code § 22-701 . . .

ABRA Show Cause File No. 15-CC-00089, Notice of Status Hearing and Show Cause Hearing, 2 (October 21, 2015).

Finally, charges are pending against the Respondent in Case Nos. 15-CMP-00766 and 15-CMP-00765 for its failure to have an owner or Board-approved manager on site during the sale, service, or consumption of alcoholic beverages, in violation of D.C. Official Code § 701 and 23 DCMR § 707.1, on Monday, October 26, 2015, and Tuesday, October 27, 2015. *ABRA Show Cause File Nos. 15-CMP-00766 and 15-CMP-00765.*

¹ On February 24, 2016, the Government and the Respondent entered into an Offer-in-Compromise which resolved the charges pending against Fuel Pizza in Case Nos. 15-AUD-00054, 15-CMP-00341, 15-CC-00089, 15-CMP-00766, and 15-CMP-00765 regarding its location at 600 F St., N.W., and in Case Nos. 15-CMP-00058 and 15-CMP-00359 involving the 1606 K St., N.W. location. A separate Board Order has been issued for the licensed establishment's location at 1606 K St., N.W. *See* Board Order No. 2016-087.

October 27, 2015. *ABRA Show Cause File Nos. 15-CMP-00766 and 15-CMP-00765.*
The Respondent waived service of Notice in Case Nos. 15-CMP-00766 and 15-CMP-00765.

At the Show Cause Status Hearing held on February 24, 2016, in Case Nos. 15-AUD-00054 and 15-CMP-00341, the Government and the Respondent entered into an Offer-in-Compromise (OIC), which resolved the charges set forth above.

The terms of the OIC are as follows:

(1) In Case No. 15-AUD-00054:

- a. For Charge I - The Respondent shall pay a \$2,000 fine for the violation alleged in Charge I.

(2) In Case No. 15-CMP-00341:

- a. For Charge I - The Respondent shall pay a \$2,000 fine for the violation alleged in Charge I.

(3) In Case No. 15-CC-00089:

- a. For Charge I – The Respondent shall pay a \$3,000 fine and serve a five day suspension; all days stayed for one year on the condition that all employees who serve alcoholic beverages complete Training and Intervention Procedures for Servers (“TIPS Training”) for the D.C. Official Code § 25-781 violation.
- b. For Charge II – The Respondent shall pay a \$2,000 fine for the violation alleged in Charge II.

(4) In Case No. 15-CMP-00766:

- a. The Respondent shall pay a \$2,000 fine for not having an owner or Board-approved Manager on duty.

(5) In Case No. 15-CMP-00765: Dismissed.

ORDER

Therefore, the Board, on this 2nd day of March, 2016, hereby **APPROVES** the OIC proffered by the Government and the Respondent on February 24, 2016, and **ORDERS** 600 F D.C., LLC, t/a Fuel Pizza & Wings, to comply with the terms of the OIC.

IT IS FURTHER ORDERED that the Respondent will remit the fine in the total of \$2,000 in Case No. 15-AUD-00054, payable on or before May 24, 2016, if the fine is not paid by May 24, 2016, the license will be suspended until the fine is paid.

IT IS FURTHER ORDERED that the Respondent will remit the fine in the total of \$2,000 in Case No. 15-CMP-00341, payable on or before May 24, 2016, if the fine is not paid by May 24, 2016, the license will be suspended until the fine is paid.

IT IS FURTHER ORDERED that the Respondent will remit the fine in the total of \$5,000 for in Case No. 15-CC-00089, payable on or before May 24, 2016, if the fine is not paid by May 24, 2016, the license will be suspended until the fine is paid. In addition, the license is suspended for five days. The five-day license suspension is stayed for one year on the condition that all employees who serve alcohol complete TIPS training.

IT IS FURTHER ORDERED that the Respondent will remit the fine in the total of \$2,000 in Case No. 15-CMP-00766, payable on or before May 24, 2016, if the fine is not paid by May 24, 2016, the license will be suspended until the fine is paid.

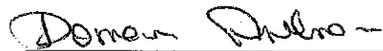
IT IS FURTHER ORDERED that Case No. 15-CMP-00765 is DISMISSED.

IT IS FURTHER ORDERED that the Respondent's Investigative History will reflect the adjudication of four secondary tier violations and one primary tier violation.

IT IS FURTHER ORDERED that the hearings scheduled in Case No. 15-CC-00089 are cancelled.

A copy of this Order and the OIC shall be sent to the Respondent and to the Government.

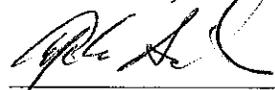
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



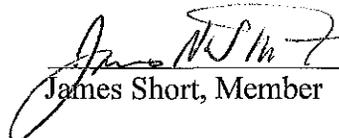
Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, Member



James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).